



UNITED STATES MISSION TO THE UNITED NATIONS

140 EAST 45 STREET
NEW YORK, N.Y. 10017

March 1, 2010

Catherine Pollard
Assistant Secretary-General of
Human Resources Management
308 Madison Avenue, Room M-09035
New York, NY 10017

Dear Assistant Secretary-General Pollard:

I write with regard to verifications by the United States Mission pursuant to the Secretary-General's Bulletin regarding "Personal status for purposes of United Nations entitlements," ST/SGB/2004/13. Under that Bulletin, Permanent Missions to the United Nations verify that the personal status of staff members in connection with their entitlements is "legally recognized under the law of that country for the purposes of granting benefits and entitlements."

Effective on June 26, 2009, the U.S. Department of State amended the Foreign Affairs Manual regulations, inter alia, to provide for a definition of a same-sex "domestic partner" of Foreign Service employees for the purposes of obtaining some benefits and allowances, which consists of Foreign Service members employed by the U.S. Department of State and other U.S. Government agencies. These amendments, adopted under U.S. law, including under the Foreign Service Act of 1980, as well as other amendments to the Department of State Standardized Regulations implementing provisions contained in Title 5 of the U.S. Code, provide for the granting of some benefits and allowances after a Foreign Service employee has signed and filed an affidavit attesting to certain criteria comprising the definition of same-sex "domestic partner." Accordingly, the status of a same-sex "domestic partner" is legally recognized under the law of the United States for the purposes of granting some benefits and allowances.

The United States has concluded that the most appropriate way to handle verifications of personal status of American United Nations staff members would be to follow a practice similar to that followed by the U.S. Department of State. Therefore, the United States Mission requests that the United Nations, in order to make determinations of the personal status of staff members in connection with their entitlements and benefits, require that the American United Nations staff member file an affidavit with the United Nations along the lines of the sample affidavit attached to this letter. If an American United Nations staff member files such an affidavit, the United Nations may accept that the United States Mission has verified the personal status of that staff member in connection with their entitlements and benefits.

The above verification process is subject to revision depending on changes in U.S. law and practice. The U.S. Mission will consult with the United Nations in the event the U.S. Mission wishes to revise the above verification process.

Sincerely,

A handwritten signature in dark ink, appearing to read 'R. Graham', written in a cursive style.

Russell F. Graham
Minister Counselor For
Host Country Affairs

ATTACHMENT

SAMPLE AFFIDAVIT

In accordance with Staff Rule 1.5(a) and for the purposes of determining my personal status, pursuant to the Secretary-General's Bulletin ST/SGB/2004/13 of 24 September 2004, I, _____, hereby affirm that the following information is complete and accurate and that _____ and I:

- (1) Have been each other's sole same-sex domestic partner since ____ [date] ____ and intend to remain committed to one another indefinitely;
 - (2) With regard to a common residence:
 - (a) Have a common residence and intend to continue the arrangement; or
 - (b) Have had a common residence and intend to resume having a common residence after an assignment abroad for which my domestic partner did not accompany me; or
 - (c) Would have a common residence, but are prevented from having one for the following reasons _____. [Note: The Assistant Secretary-General for Human Resources Management or his or her designee will determine that the circumstances described are sufficient to justify the waiver of the common residence requirement. Unless and until such a determination is made, the domestic partner relationship does not qualify for benefits and entitlements.]
- (2) Are at least 18 years of age and mentally competent to consent to contract;
- (3) Share responsibility for a significant measure of each other's common welfare and financial obligations;
- (4) Are not married to, joined in civil union with, or domestic partners with anyone else;
- (5) Are same-sex domestic partners, and not related in a way that would prohibit legal marriage in the United States State in which we reside.

I further do hereby declare that I, _____:

- (6) Agree to inform the United Nations of any dissolution of the partnership;

- (7) Agree that I have notified the other individual of the filing of this affidavit attesting that this partnership meets the above criteria;
 - (8) Agree that the willful falsification of information set forth in this affidavit or the failure to provide appropriate notification of the termination of the same sex domestic partnership may lead to the recovery of amounts obtained as a result of such falsification or failure and other action or discipline, as appropriate.
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